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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:23-cv-03417-VC

**PLAINTIFFS' OPPOSITION TO META'S
DECLARATION IN SUPPORT OF
SEALING [DKT. 483]**

Plaintiffs respectfully submit this opposition to Defendant Meta Platforms, Inc.’s Declaration in Support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed, Dkt. 483. In that declaration, Meta seeks to seal various portions of Plaintiffs’ Motion for Partial Summary Judgment, originally filed at Dkt. 472. Meta’s request should largely be denied.

Courts in this Circuit apply the “compelling reasons” standard to requests to seal information contained in dispositive filings such as summary judgment motions. *E.g., Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). Much of the material that Meta seeks to seal is not supported by a “compelling reason.” Moreover, the sealed excerpts frequently contain core facts necessary to the public’s understanding of this proceeding—far more than merely a set of “tangential[]” information. *See id.* (quoting *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 33 (1984)).

Page 4: Meta seeks to redact references to third parties with whom it has entered into commercial agreements concerning Llama, as well as some financial forecasts. The names of the third parties should not be sealed because redacting this information materially impairs the public’s understanding of the parties’ summary judgment filings. One of the core inquiries in this case regarding fair use is the extent to which Llama is a commercial product. The fact that Meta has entered into agreements with well-known third parties monetizing Llama is more than merely tangential to Plaintiffs’ arguments. However, Plaintiffs do not oppose Meta’s request to redact the internal financial projections (actual dollar amounts) shown on this page of the Motion.

Page 8: Meta seeks to redact references to its AI training data licensing budgets as well as price terms of certain exploratory licenses it executed with third parties. This information should not be sealed. Meta’s two-year-old budgeting cannot be commercially sensitive, especially since Meta decided *not* to enter into licensing arrangements at all and instead obtained copyrighted works for free from pirated databases like Library Genesis and Z-Library. Moreover, this data again bears directly on Plaintiffs’ claims. Meta will argue under fair use factor 4 that there is no market for licensing books as AI training data. The redacted information regarding Meta’s then-

willingness to enter into these exact licensing arrangements is critical to public understanding of these filings. Moreover, the price terms of Meta's prior exploratory book licenses also bear on the extent to which such a licensing market exists, as well as the degree of economic harm suffered by Plaintiffs and the putative class in this case.

Pages 9, 10, and 16: Meta once again seeks to redact the names of specific publishers with whom it preliminarily negotiated training data licenses in early 2023. This sealing request should be denied for the same reasons Plaintiffs stated in opposition to Meta's other pending sealing request. *See* Dkt. 480.

Dated: March 24, 2025

By: /s/ Jay Schuffenhauer
Jay Schuffenhauer

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